

REMARKS

The present amendment is submitted in response to the Office Action entered on July 24, 2007. Claims 10 and 17 are pending. Claims 10 and 17 were rejected under 35 U.S.C. §112 as lacking support in the specification. Claims 10 and 17 are hereby amended. Reexamination and reconsideration in view of the amendments and arguments submitted herein is respectfully requested.

The Examiner rejected claims 10 and 17 because certain recitations thereof allegedly lacked support in the specification. To advance prosecution, Applicant hereby amends claims 10 and 17 to remove the recitations of these claims that were alleged to lack support. It is respectfully submitted that, as amended, the pending claims overcome the rejections of the July 24, 2007 Office Action.

Having addressed the last rejection, Applicant would like to address some points raised in a previous Office Action for this case (namely, the Office Action entered on November 3, 1006). The November 3, 2006 Office Action was followed by an amendment submitted on May 3, 2007. As noted above, the Examiner responded to this amendment with a §112 rejection. Applicant respectfully submits that after the recitations subject to the §112 rejection are removed, the May 3, 2007 amendment still adds recitations which distinguish the present claims from the art cited in the November 3, 2006 Office Action. For example, Applicant notes that both claims 10 and 17 recite:

an actuator for moving the objective lens around a first base point for focusing the light spot onto the recording face and for moving the objective lens around a second base point for focusing the light spot onto a label surface

Thus, the claims do not merely recite that the focus distances for recording data and writing labels are different (alleged by the Examiner to be inherently disclosed by Honda), but also that an actuator uses two different base points for recording and label writing. More specifically, the actuator moves the lens around a first base point for recording and a second base point for label writing. Thus, while the apparatus may perform focus control to provide the final lens positioning, this focus control process is assisted by using two different base points for the data and label writing

cases. Since the different base points are indicative of the usual different relative positions of the data and label layers, using different base points can assist the focus control process by providing better starting points for the data writing and label writing focus control processes, respectively. Thus, the lens need not be moved as much for each respective focus control process. Applicant respectfully suggests that this is not disclosed by Honda.¹

Furthermore, claims 10 and 17 recite:

wherein the total movable range of the objective lens is set to be equal to or more than a sum of an allowance range and an additional range, the allowance range including a range set to allow the objective lens to keep a constant distance between the objective lens and the recording face when a level of the optical disk varies in the direction of the thickness, the additional range being set by dividing a distance from the substrate surface to the recording face of the optical disk by an absolute refraction index of the substrate of the optical disk, so that the actuator can switch the objective lens between the first base point and the second base point

Applicant respectfully submits that this recitation is not disclosed by Honda either. Honda does not recite configuring the movable range based on an additional range which is calculated in the specific manner shown above.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicant requests that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5790 to discuss any steps necessary to place the application in condition for allowance.

¹ See, for example, paragraph 55 of the Specification for further discussion of base points.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 393032039600.

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